

Monday Morning, Feb. 16, 1863.

TO ADVERTISERS.

All advertisements, unless the time for which they are to be inserted is specified, will be continued until ordered out, and so charged.

JOB PRINTING.

Book and Job Printing of every description neatly executed. Terms, cash on delivery of the work.

Sunday Law.

At the last meeting of the Assembly an Act to Prohibit Sunday Trading was sent down from the Legislative Council with amendments. The exemption of butchers and bakers in the Act as sent up to the Council were struck out, and an amendment substituted that any person above fourteen years of age found engaged in buying, selling, or in labor on Sunday except in a work of necessity or charity, shall on conviction be fined \$20. Public sentiment is no doubt favorable to an enactment to prevent any unnecessary desecration of the Lord's day, on the presumption that no law exists to enforce its observance. We are persuaded that no "Blue Laws" are asked for, nor would they be operative or tolerated. The letter of the amendment of the Council, though probably intended to be liberal in its application, is likely to partake of "Blue Law" proclivities, without any rational advantages to the public. If any one engages on Sunday in any week-day occupation, he must be prepared to go into court to show it was "a work of necessity." There is an ambiguity about the word "necessity" that in the hands of some Justice Dogberry might be productive of great inconvenience. Granting that the phrase might be retained in order to avoid putting the Hercules labor upon our legislators of discovering every kind of work in which a person may engage on Sunday, still it would be far better to state in the Act all the exemptions—at least so far as our present circumstances indicate exemptions to be necessary.

We cannot believe that our legislative councillors were all born with silver spoons in their mouths, and have always lived in a golden age of plenty, in which there were no poor, nor no late payments to laborers and mechanics on Saturday night, too late to get their supplies for Sunday or Monday morning's breakfast. Protected by a rampart of four, five, or eight hundred pounds a year, they may afford to be so puritanically religious as to forget that there is a considerable class—not paupers either—in this as well as in every other community, who labor hard all the week for ten, fifteen, or twenty dollars more or less, and who in many instances do not get their wages in time to pay on Saturday night for their week's supplies and get a fresh store laid in. There is and always has been such a class here, and as the country grows older, their number will be greatly augmented. What is of still more importance, the standard of their morality is as high and their religious convictions as deep and strong as those moving in affluence and position. No one—not even a legislative councillor, perhaps—would urge that such people should fast every Sunday, or be exposed to the informer, or to a summary suit before Justice Dogberry to spoil their week's work. No one but a simpleton or a fanatic would cut off the supplies of food from a worthy and industrious class from Saturday night to Monday morning. Let such a prohibitory law be placed on our statute book, and, like all laws, opposed to the constitution of society it must become inoperative. If a greater than our legislative councillors could enter the corn fields of Judea on the Sabbath Day in defiance of the Levitical Code, we fail to see so very great an evil in some of our own people entering a butchery, bakery, grocery, or vegetable stall, early on the Sabbath, while the majority of church-going Christians are wrapped in sleep. The truth is, necessity will open the doors of such business places in defiance of acts of our Assembly. So instead of saying that labor may be done on Sunday "as a work of necessity," why not state what businesses shall be exempted? A few butchers may petition the Council to pass a law to prevent the opening of their stalls; but that is not a sufficient reason to grant their prayer. They, as individuals, are temporary, here today and away to-morrow; but the elements of society remain the same—unchangeable. So in enacting a law of exemption we should consult the requirements of society, rather than the mere convenience of a few distributors of fresh meat, bread, or groceries. The moral, religious, and physiological advantages that society enjoys from a strict observance of the Sabbath, would not be lessened an iota, if a more rational and less fanatical aspect were given to the proposed Sunday Law. Certain callings shall be permitted on Sunday, and Sunday, whether it be a Sunday Law or not. So our legislators might as well boldly fix upon those callings that they designate "works of necessity." It would be far better than leave the matter in doubt, to be settled by a summary suit. For instance, we shall take our profession: Is a Sunday morning paper or a Monday morning paper a work of necessity, or charity, or shall Justice Dogberry fine the publishers, printers, pressmen, carriers, and editorial staff twenty dollars each? In Christian England newspapers appear every day—Sunday as well as weekday. A revolution in France, a general election, a declaration of war, a change of Ministry—neither would create such a sensation as an attempt by the Lords or Commons to muzzle the English press two days out of the seven. Every foot of the British Isles would quake with indignation, and righteously, too. Hence, in the enactment of a Sunday Law we hope our legislators may profit by British precedent.

The Governor exercising his Veto-Power.

No doubt the City Corporation were not taken entirely by surprise at the announcement by the Colonial Secretary that the Governor had vetoed their By-law for the collection of the Trades Licenses. The under current of opposition which more than one of their measures have met with from a few of the supporters of obstructivism in the colony, has taught them that their municipal legislation will not likely be all plain sailing. More especially has the independence of their course in endeavoring to provide for the collection of the revenue necessary for city purposes been obnoxious; to the clique to whom we have just alluded. In the House and out of it have they shown this; nor have they confined themselves to mere expressions of opinion, in which, of course, they are at perfect liberty to indulge in. They have gone so far as to seek to turn the Municipal Council from the free exercise of their judgment by threats. These not having the desired effect, they, of course, bring their pressure to bear upon the Governor. No doubt they congratulate themselves that the vetoing power with which he is invested in the Act of Incorporation, is an instrument upon which they can play most admirably, and make it serve whatever private or class interests they please. Now as the public are likely to see a few more instances of the ex-

ercise of this power, it is well we should have some criterion by which to judge as to whether or not it is properly used. By the City Charter the Governor has the right either to place his veto upon any By-law passed by the City Council, or to refer it to be decided by the municipal vote, whether or not it shall stand. Now one can easily fancy a case in which a majority of the City Council might enact a by-law, which would be utterly contrary to the well known wishes of the great majority of the rate payers of the city. Such things, though happily not very common, sometimes do happen. When, as would be the case in most instances, any such objectionable enactment affects the city only, and has no relation to the rest of the colony, the duty of the Governor would clearly be to submit the question to vote, and not to exercise his vetoing power. By the former course he would leave no ground for dissatisfaction, whilst by the latter, the propriety of his interference would more than likely be extensively questioned. All business purely local—all which concerns only a single locality, should be left to be settled between the people of that locality and their local authorities. But there are matters which though coming within the sphere of the authorities of a locality, may concern also the whole colony. The people of a city may be perfectly satisfied with the laws passed by their municipal authorities, yet where these are contrary to the public policy of the country, the rest of its inhabitants cannot be personally indifferent to the matter. They may not be willing that any particular locality should be allowed to trespass upon the principles which guide the administration and legislature of the colony at large. Where any corporation has overstepped its charter and enacted by-laws, where it has no power to do so, we have a court of justice to annul its acts. There is no necessity then in a case like this—supposing our Corporation to be at fault—for the Governor to make use of his power of veto. He has no right to do so. Any attempt to exercise the power on legal grounds alone is a usurpation of the duties devolving upon the Courts of Justice. It is such a commingling of the executive with the judiciary as cannot be tolerated with any safety to the freedom and purity of our institutions. If the Governor may trespass upon the province of the Court in one instance, the precedent may extend to another, and there is no telling where it would end. The public then cannot but object to the Governor having made any supposed legal defects of the Trades License By-law a ground for its veto. Those are matters in which he is not supposed to be skilled. Nor is the case mended by referring the question to the Attorney General for his decision, for if adverse, he virtually does the vetoing. He virtually quashes the by-law on grounds which only a Court of Justice is the recognized power to decide. It is useless for any one to defend his doing so on grounds of economy or for the sake of preventing litigation. The Act of Incorporation itself is ample evidence of the value that may be attached to the legal attainments of an Attorney General. But were his legal opinion the most reliable possible, the principle of the thing cannot be tolerated.

Some may ask, then, upon what grounds might the veto power be exercised by the Governor with the prospect of being generally beneficial. As matters are now in this colony we may well doubt if there are any; but were the Governor accustomed to act upon the advice of responsible ministers, representing the opinion of the majority of the people, then he might make use of the power vested in him to advantage. Any law of the Corporation which, though technically in conformity with the powers given them in the charter, might yet be contrary to sound public policy, and to the principles which the country at large are interested in maintaining, and therefore such a one as the Legislature could not sanction, would properly come within the vetoing power of the Executive. There would then be little danger of its being used when it would not be required; and all that is objectionable in giving the Governor such power would be removed.

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NEW ADVERTISEMENTS.

AUCTION.

THIS DAY.

MONDAY, Feb. 16th,

At 11 o'clock, A. M.,

J. A. McCREA

WILL SELL

AT SALESROOM,

ON WHARF STREET,

Ex Bark "Monitor,"

FROM SAN FRANCISCO:

CHICKORY.

6 casks Chickory;

COFFEE: 20 mats Manila Coffee.

SUGAR: 100 bags Cossipore;

50 bbls Crushed.

—ALSO—

10 cs Pilot Bread;

5 cs Bacon;

6 bbls Beef;

9 hf bbls Apples;

20 kegs Syrup;

20 bbls Butter;

5 cs Cal. Cheese;

10 cs J. & H. Lard;

And a variety of other Goods.

—ALSO—

150 boxes Apples

J. BAGNALL,

PIANOFAORTE MAKER, and

Cabinet Maker,

formerly with JENNENS, Col-

lard & Co., of London, and for some

years in Victoria, per the "Herald,"

and will be happy to receive instructions

to repair, tune, and regulate, and

repair pianofortes, and of all kinds of

musical instruments, and of all kinds of

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NEW ADVERTISEMENTS.

APOTHECARIES

HALL!

Yates Street.

LANGLEY BROS.,

Importing

DRUGGISTS,

WHOLESALE

—AND—

RETAIL

CHEMISTS

ARE

Continually Receiving

—FROM—

ENGLAND

—AND—

New York,

Via Panama,

DRUGS,

—AND—

Chemicals,

OF THE

PUREST QUALITY,

AND,

From their facilities for buying advan-

tageously,

ARE ABLE TO SELL AT THE

Lowest Prices.

—ALSO—

PATENT MEDICINES,

PERFUMERY,

FANCY GOODS,

PAINTS,

PAINT BRUSHES,

COAL OIL,

COAL OIL LAMPS,

OILS,

WINDOW GLASS,

VARNISHES, &c., &c.

Importers of

—AND—

AGENTS

—FOR—

Holloway's Pills and Ointment;

Cooke's Anti-Bilious Pills;

Curling's Citrate of Magnesia;

Castor Oil;

Cod Liver Oil;

Sedlitz Powders;

Keating's Cough Lozenges;

Brown's Bronchial Troches;

Gosnell's Lavender Water;

Essences;

Rimmell's Perfumery;

Low's Brown Windsor Soap;

Clever's Honey;

Murray's Fluid Magnesia;

Dinneford's " "

Ayer's " "

Mustang Liniment;

Wright's Pills;

Fish's Hair Restorative;

Bright Virginia lb. Tobacco,

For Sale by

SHEPHERD BROS. & CO.

Corner of Wharf and Johnson streets

f67 1m

NEW ADVERTISEMENTS.

GENTILE & CO.,

IMPORTERS OF

ENGLISH & FOREIGN

GOODS!

ROBINSON'S BLOCK,

Fort street, cor. Government st.,

VICTORIA, V. I.

Stationery!

MUSICAL INSTRUMENTS,

Music,

PHOTOGRAPHS!

—AND—

Fancy Articles!

OF EVERY DESCRIPTION!

GENTILE & CO.,

DETO INQUIRE THE PUBLIC OF

Vancouver Island and British Columbia that they will open their store at the commencement of

next week.

They have just imported

